



# *Legislative Update*

*April 9, 1999*

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## **Department of Health Bills Pass House and Senate**

As the 1999 Regular Session heads into the final two weeks, seven of the eight Department request bills have passed both Houses and Senate. Under the deadlines established for the consideration of bills, a bill must be voted out of the opposite house by 5:00 p.m. on April 16. The remaining Department bill appears likely to pass ahead of that cut off date. Some of the bills that have passed both houses but were amended must go back to the house of origin to receive concurrence.

Here's a status report:

*HB 1216 - Secretary authority continuing for licensing administrative procedures:* Passed House and Senate, awaiting Governor's signature.

*ESHB 1163 - Clean up of contaminated properties:* Passed House and Senate. Amended in the Senate; returns to House for concurrence.

*SB 5105 - Definition of public water system:* Passed Senate; placed on 2nd reading in House.

*HB 1372 - Birth defects registry repeal:* Passed House and Senate, awaiting Governor's signature.

*HB 1734 - Licensed psychologists working in exempt settings:* Passed House and Senate, awaiting Governor's signature.

*SHB 1371 - Revisions of TB statutes:* Passed House and Senate. Amended in the Senate; returns to House for concurrence.

*SHB 1218 - Nurse Delegation:* Passed House and Senate. Amended in the Senate to include the bill granting ARNP prescriptive authority; returns to House for concurrence.

*ESB 5141 - Newborn Screening Fees:* Passed Senate and House, awaiting Governor's signature.

*Budget Update:* The debate continues over the budget. No agreement has been reached between House Democrats and Republicans on a House budget bill. A Senate version of

***Con't Page 2***

### **In This Issue:**

House Releases Two  
Separate Budget  
Proposals  
**Pages 1-2**

Legislative Internet  
Links  
**Page 3**

Legislative Cut Off  
Dates  
**Page 3**

Meeting Schedule  
**Page 3**

Bill Watch  
**Pages 4-13**

Subscription Form  
**Back Page**

# Department of Health Bills Pass House and Senate *Con't from Page 1*

the budget will possibly be released next week. Some of the critical issues under consideration in all the budgets include: tobacco settlement funds and the establishment of the tobacco prevention and control account; temporary worker housing funding; salmon restoration; children's health insurance program; the crisis in access to the individual insurance market; salmon restoration; and teacher salaries. §

## EDITORIAL STAFF

Patty Hayes, Legislative Director  
(360) 236-4048

*email: plh0303@doh.wa.gov*

Brian Peyton, Editor

Jennifer Bush, Contributor

The *Legislative Update* is published weekly by Washington State Department of Health, Office of Legislative & Constituent Relations during the Washington State Legislative Session and provides information and news about legislation pertinent to the health of Washington State citizens.

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# Negotiations Seek Solutions for Individual Health Insurance Market

One of the most difficult issues facing the Legislature during the 1999 session has been the decreasing availability and rapidly rising cost of individual health insurance policies. A series of negotiations, convened by Governor Locke, has involved discussion of changes in the state's insurance laws that would make individual policies available everywhere in the state at a reasonable cost. The talks continue, although they have encountered "ups and downs," and no agreement has yet been reached.

The market for individual health insurance policies has deteriorated since 1994. Prices for individual policies have risen 71 percent since 1994, and the policies offer a much narrower range of services. Currently, no new individual policies are available in 17 counties, mostly in eastern Washington. Un-subsidized Basic Health Plan rates have risen sharply, and enrollment has dropped. The High Risk Pool has been closed to new enrollees since 1994.

Those problems have brought together a diverse group of interests. Participants include representatives of the Governor's office, the Office of the Insurance Commissioner, the state's largest health insurers, the state's medical association and hospital association, business and consumer groups, and key legislators — Representatives Eileen Cody and Linda Parlette, Health Care Committee co-chairs; and Senators Pat Thibaudeau and Alex Deccio, Health and Long Term Care Committee.

As is often the case in negotiations over legislation, the passage of other health care related bills appears to hinge on whether the parties reach agreement on insurance law changes. Successful conclusion of the talks could result in passage of some form of proposals regarding patients' rights; the Children's Health Insurance Plan; Basic Health Plan direct contracting with providers; tobacco cessation; and mandatory insurance coverage for contraceptives. §

## LEGISLATIVE INTERNET LINKS

Legislative information can be accessed via the internet. The following are a few links that may be of interest:

**Legislative Update Newsletter**

[http://www.doh.wa.gov/publicat/99\\_legup/99\\_legup.htm](http://www.doh.wa.gov/publicat/99_legup/99_legup.htm)

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**Washington State House of Representatives**

<http://www.leg.wa.gov/www/house/members/housepg.htm>

**Washington State Senate**

<http://www.leg.wa.gov/www/senate.htm>

**Washington State Governor's Home Page**

<http://www.wa.gov/governor>

*TVW indicates that TVW tentatively plans to televise either LIVE or on a tape delayed basis. For additional information on TVW scheduling or availability, please call TVW at (360) 586-5555, or visit the TVW web site at: [www.tvw.org](http://www.tvw.org)*

## Legislative Cut Off Dates

**April 16, 1999, 5:00 p.m.:** Final consideration for the opposite house.

**April 25, 1999:** Sine Die. §

§

**April 9, 1999**

*Jennifer Bush*

Bill watch this week includes only those bills that have been reported out of committee by the policy or fiscal committee cutoff date.

## Data and Confidentiality

### **HB 1372/SB 5240: Birth Defects Surveillance**

Repeals the Handicapped Children's Registry statute. **Senate Passed 3<sup>rd</sup>/House Rules.**

### **E HB 2015: Year 2000 Date Change Liability**

Provides that the state is severally, not jointly, liable for damages arising from the year 2000 problem. Immunizes the state from the first \$100 of liability per claimant arising from the year 2000 problem. **Senate Rules.**

### **SSB 5482: Medical Research Records**

An exception is stated to the Driver's Privacy Protection Act for information currently available under the public disclosure laws. An exception to the federal law is required to protect the public health, safety, and welfare. Information accessible under public disclosure may be released to health research organizations recognized by an institutional review board. **House Rules.**

## Disease Prevention and Control

### **HB 1080: Infectious Disease Testing**

Provides infectious disease testing at no cost to good Samaritans for infectious diseases after rendering emergency assistance that has brought them into contact with a bodily fluid. **Senate 2<sup>nd</sup> Reading.**

### **SHB 1371 a/SSB 5199: Tuberculosis Control**

Revises provisions relating to reporting, treatment, and payment for treatment of tuberculosis. Repeals obsolete sections of tuberculosis statutes. **Senate Passed 3<sup>rd</sup>/House Rules.**

## Environmental Health

### **SHB 1054/SB 5125 a: Pesticide Registration Commission**

Appropriations made to Washington State University may now expressly be used for evaluations, studies, or investigations approved by the Commission for such Integrated Pest Management (IPM) and pesticide resistance management programs. An official action may now be taken by the Commission by a majority vote of its quorum, rather than a majority vote of the voting members. This bill is a part of the Washington State University's Safe Food Initiative. **Senate 2<sup>nd</sup> Reading/House Passed 3<sup>rd</sup>.**

### **SHB 1163 a: Illegal Drug Manufacture**

Finds that the contamination of properties used for illegal drug manufacturing poses a threat to public health. The toxic chemicals left behind by the illegal drug manufacturing must be cleaned up to prevent harm to subsequent occupants of the properties. Local health officers may determine when a certified contractor must be used to decontaminate property that has been contaminated hazardous chemicals associated with the manufacture of illegal drugs. **Senate Passed 3<sup>rd</sup>.**

### **HB 1164/SB 5105: Public Water System Definition**

Revises the definition of public water system to include systems providing water through constructed conveyances in conformance with federal law. **Senate Environment Quality & Water Resources/House 2<sup>nd</sup> Reading.**

### **HB 1310: PUD Authority**

Revises provisions relating to the authority...public utility district to furnish water to persons outside of the district and the county where the district is located and to establish local utility districts for water or sewer facilities outside of a district and the county where it is located. **Senate 2<sup>nd</sup> Reading.**

### **HB 1432: Dairy Commission**

Authorizes the Dairy Commission to participate in federal and state regulatory activities and expend funds when such activities affect the production, manufacture, distribution, sale, or use of dairy products, and educate the dairy industry on such matters. **Senate Rules.**

**HB 1642: Surface Water Permits & Rights**

Allows water permit holders to change the point of water diversion for an undeveloped portion of an existing water right permit from an existing authorized diversion point, downstream to an existing intake structure if there is no change in ownership of the permit or the original purpose and place of use of the water. **Senate Rules.**

**E SHB 2079: Salmon Recovery**

Authorizes a plan for salmon recovery in Washington State. **Senate Rules.**

**E SHB 2095: Commercial Fertilizer**

Revises provisions relating to registration fees, stop sale and use, seizure, and disposal of commercial fertilizer. **Senate Rules.**

**SHB 2099: Water Right Relinquishment**

Allows an exemption from relinquishment of a water right for non-use resulting from the operation or pendency of legal proceedings. **Senate Rules.**

**E SSB 5803: Dairy Nutrient Management**

Directs the Department of Ecology to publish a guide to all registered dairy farms in the state regarding dairy nutrient management. Creates a Dairy Nutrient Management Task Force, which will make recommendations on dairy nutrient management. **House 2<sup>nd</sup> Reading.**

**2SSB 5821: On-Site Wastewater Treatment**

Establishes a state-wide licensing program for persons who design on-site wastewater treatment systems. **House 2<sup>nd</sup> Reading.**

**E SSB 5866: Fertilizer Registration**

Eliminates component registration of fertilizer products. **House 2<sup>nd</sup> Reading.**

**SB 6091: Beneficial Water Use and Public Water Systems**

Adds provisions to address how “inchoate” water rights will be administered. Inchoate water rights are water right certificates that represent both used and unused water. Authorizes the Department of Ecology to issue 6 year incremental certificates reflecting phased development of public water systems inchoate rights. Inchoate water right issues will be addressed through existing planning processes and programs of DOH and Ecology to the extent practicable. All Group A sys-

tems that have inchoate water rights shall document compliance with performance standards not less than 2 years and not more than 8 years from bills effective date (other public water systems have up to 4 years). Systems with inchoate permits reinstated in areas with fishery resource issues are required to enter into and implement inter-local agreements with Ecology and Fish and Wildlife to address actions to arrest further decline in fish stock health. Priority for developing such agreements shall be for systems with 1,000 or more connections and other systems identified as critical by DFW. If no such inter-local agreement is developed within 2 years the inchoate permit becomes subject to instream flows adopted by rule or as defined by Ecology/DFW. The bill also includes provisions to reconcile differences between DOH approved existing service areas (per water system plan or coordinated water system plan) and water right place of use restrictions. Reinstated permits will reflect DOH approved existing service areas. **Senate Environment & Water Quality.**

**SB 6092: Public Water Systems**

The bill addresses how “inchoate” water rights will be administered, authorizes designation/creation of regional integrated water supply management agreements (management agreement), authorizes the creation of regional water supply utility, and addresses how inchoate rights may be transferred or changed. Inchoate rights may be addressed individually by the public water system in coordination with Ecology, or may be addressed as part of a management agreement. **Senate Environment & Water Quality.**

**SB 6093: Public Water System Management**

Modifies and expands the purpose of Coordinated Water System Plans (CWSP) to also address fish habitat planning, preservation and restoration. DOH is required to carry out CWSP process in coordination and consultation with Ecology and DFW. Changes focus of CWSP from regional water supply service area coordination to much broader water and fish focus. Changes definition of “critical water supply service area” to “coordinated water supply service area”. Bill defines such an area as one that includes more than one public water system, includes fish habitat and also may include small inadequate water systems or water supply problems which threaten water quality or reliability. Changes definition of “service area” to mean a geographical area served by a purveyor and initially

established under a permit to appropriate water for municipal water supply or subsequently established under this chapter and consistent with a permit (current definition includes future service area identification). Amends 70.116.040 to require DOH, in coordination with Ecology and DFW, to study geographical areas where water supply problems related to uncoordinated planning, inadequate water quality, insufficient water supply, fish habitat, or unreliable service appear to exist. If such problems do exist, DOH or local government shall establish “coordinated water supply service area” and initiate CWSP development. DOH must adopt rules concerning the scope and content of CWSP to insure that such plans incorporate proper designs to protect public health and distributes water for public water supply and fish habitat. New provisions identified related to such rules include: ensuring all CWSP are reviewed by relevant governments to insure that the CWSP implements all water resource plans, water quality plans, water pollution control plans, habitat conservation plans and licensing requirements; identifies water rights; identifies feasible conjunctive use and interties between purveyors. Changes CWSP approval process to incorporate Ecology and DFW into local government public hearing process and CWSP approval process. Deletes provisions requiring DOH to pay for costs to update CWSP if update is required by DOH. Requires DOH, in coordination with Ecology, to adopt rules establishing criteria for designating individuals or water purveyors as satellite management agencies (SMA). Expands water right statutes to link CWSP’s and service areas to water right decisions. Amends intertie statute to: require DOH, in consultation with Ecology, to hold public hearings and consider public comment as part of the approval process. Recognizes intertie water supply role in providing adequate water supplies for fish habitat. Grandfathers (approve) the use of interties existing and in use as of 1/1/00, and to modify water rights to reflect such use (may include fish habitat type conditions). Allows interties commencing use after 1/1/00 if they implement a CWSP. Eliminates restrictions in intertie definition related to using such water for the development of new sources of supply to meet future demand. Prohibits DOH from approving plans containing intertie proposals prior to Ecology water right decisions. **Senate Environment & Water Quality.**

## Families and Children

### **2SHB 1546: In-Home Care Services**

Revises provisions related to long-term care of adults. **Senate 2<sup>nd</sup> Reading.**

### **SHB 1620: Vulnerable Adult Protection**

Provides DSHS and law enforcement agencies with the authority to investigate complaints of abandonment, abuse, financial exploitation, or neglect of vulnerable adults. Provides protective services and legal remedies to protect them. **Senate 2<sup>nd</sup> Reading.**

### **SHB 1650: Oral Medications at Schools**

Expands the list of health professionals who may request to have school employees administer oral medications to students. **Senate 2<sup>nd</sup> Reading.**

### **2SSB 5766: Long-Term Care Ombudsman**

Requires the Long-Term Care Ombudsman Program to increase the number of trained volunteer long-term care ombudsmen available to residents living in these settings. Provides that a local or a state long-term care ombudsman, including a trained volunteer long-term care ombudsman, shall have the duties and authority set forth in the Federal Older Americans Act for local or state ombudsmen. Appropriates funds from the general fund to the Department of Community, Trade, and Economic Development for distribution state-wide to the regional offices of the Long-Term Care Ombudsman Program. **House 2<sup>nd</sup> Reading.**

### **E SB 5141: Newborn Screening Service Fee**

Allows DOH to collect an additional fee for supplying services under the state’s infant screening program. **House Rules.**

### **SB 5772: Domestic Violence Victims Records**

Strengthens the confidentiality of records for victims of domestic violence or sexual assault. **House Passed 3<sup>rd</sup>.**

### **SSB 5828: Gift of Life Award**

The Washington Gift of Life award to recognize the special kindness of those who donate their organs is created. **House 2<sup>nd</sup> Reading.**

### **SSB 5864: Long-Term Care Residents**

Allows a health maintenance organization to return an individual to his or her nursing care facility. **House Rules.**

## **E SSB 6020: Social Security Numbers**

Delays implementation of the requirement to record social security numbers on license applications to assist in child support enforcement. **House 2<sup>nd</sup> Reading.**

## **Fiscal**

### **SHB 1165/SB 5182: Capital Budget**

Makes appropriations and authorizes expenditures for capital improvements. **Senate Ways & Means/Senate Ways & Means.**

**HB 1167/SB 5183: Capital Budget/ Supplemental**  
Makes supplemental appropriations and authorizes expenditures for capital improvements. **House Capital Budget/Senate Ways & Means.**

### **HB 1186/SB 5180: Operating Budget**

Makes appropriations and authorizes expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1999 and ending June 30, 2001. **House Appropriations/Senate Ways & Means.**

### **HB 1187: Operating Budget/Supplemental**

Makes supplemental appropriations for the 1997-99 biennium. **House Appropriations.**

### **SSB 5181 Operating Budget/Supplemental**

Makes supplemental appropriations for the 1997-99 biennium. **House Appropriations.**

## **Injury Prevention**

### **SHB 1181: Domestic Violence Perpetrator**

Requires if a domestic violence perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children, and parenting skills to help the perpetrator control the events or behavior that lead to incidents of domestic violence. The court may, as part of any term of community supervision, order the offender to participate in an approved domestic violence perpetrator program. **Senate 2<sup>nd</sup> Reading.**

## **HB 1757: Inmate DNA Testing**

Requires that juveniles and adults who are convicted of violent or sexual offenses submit blood samples for DNA testing. Intends that all health care providers assist interested parents in obtaining blood samples for DNA testing for safekeeping by the parent. This will enable parents to better assist law enforcement in finding and identifying a child in the unfortunate event of a child's disappearance or abduction and in identifying children who may be victims in accidents or natural disasters. **Senate Rules.**

## **SSB 5094: Personal Flotation Devices**

Requires that a child 12 years old and under, while aboard a vessel under 19 feet in length on the waters of this state, must wear a U. S. Coast Guard approved personal flotation device while the vessel is underway, with limited exceptions. **House Rules.**

## **SSB 5573: Criminal History Records**

Declares criminal justice agencies may furnish certain criminal records to other agencies. This provision of information is not considered a dissemination of criminal records. **House Passed 3<sup>rd</sup>.**

## **Insurance**

### **E SSB 5111: Genetic Information/Health Insurance**

Declares a health carrier may not deny or cancel health plan coverage, or vary the premiums, terms, or conditions for health plan coverage, for an individual or a family member of an individual, on the basis of genetic information or because the individual or family member of an individual has requested or received genetic services. **House Rules.**

### **E SSB 5512: Contraceptive Insurance Coverage**

Attempts to reduce the number of unintended pregnancies and ensure access to contraceptive services in health plans that cover prescription drugs and outpatient health services. Provides an exemption from the bill for those who object to contraceptives for reason of conscience or religion. **House Appropriations.**

### **E SSB 5812: Health Care Claim Payment**

Requires medical insurers to pay health care claims promptly. **House Rules.**

**E SSB 5813: Health Plan Medical Director**

Requires third-party payors to designate a licensed medical director for its coverage decisions. **House Rules.**

## Professional/Facilities Licensing

**SHB 1113/SSB 5149: Occupational Therapy**

Declares that no person may practice or represent himself or herself as an occupational therapy practitioner without first having a valid license to do so. Declares that treatment by an occupational therapy practitioner of such a medical case may take place only upon the referral of a physician, osteopathic physician, podiatric physician and surgeon, naturopath, chiropractor, physician assistant, psychologist, or advanced registered nurse practitioner licensed to practice in this state. **Senate Rules/House Rules.**

**SHB 1218: Nurse Delegation of Tasks**

Authorizes RNs to delegate nursing care tasks using their professional nursing judgment and standards of practice to registered or certified nursing assistants in community-based care settings. Provides authority to the Nursing Commission to develop protocols for implementing all nurse delegation through rulemaking. Allows RNs, on a case by case basis, to delegate tasks to nursing assistants in community-based care settings prior to the nursing assistant completing the nurse delegation core training. The RN is required to provide all necessary one-on-one training specific to that task and consumer and would assure that the nursing assistant received the core delegation training within the first 60 days of the delegation process. Lack of completion of core training in the first 60 days of the delegation process will result in immediately rescinding the delegation process. No extensions would be permitted. **Senate 2<sup>nd</sup> Reading.**

**SHB 1251: Boards, Commissions, and Programs**

Allows the Secretary of Health to designate health care assistants and other health care providers to serve on ad hoc committees appointed by the Secretary to study specified topics. Removes the specific authority of the Secretary to appoint dietitians and nutritionists to serve on such committees. Eliminates the Health Professions Advisory Committee. **Senate Rules.**

**HB 1699: Dentist Continuing Education**

Directs the Dental Quality Commission to establish continuing education requirements for dentists. **Senate Rules.**

**SHB 1838 a: Impaired Dentist Account**

Requires DOH to collect a small surcharge on dental professional licenses to establish the Impaired Dentist Account for the voluntary treatment and rehabilitation of impaired dentists. **Senate Passed 3<sup>rd</sup>.**

**HB 1863: Part-Time Health Commissions**

Provides for compensation to part-time health commissions. **Senate Rules..**

**HB 1864: Surgical Technologists**

Authorizes the registration of surgical technologists. **Senate Rules.**

**SHB 1992: Epinephrine Administration**

DOH in cooperation with the House Health Care Committee is required to review the use of epinephrine for anaphylaxis by EMT's and determine the number of incidents of anaphylaxis statewide, the training costs associated with establishing specialized training for EMTs to carry and administer epinephrine, and an assessment of the potential risks associated with the use of epinephrine. DOH is allowed to establish a pilot program to determine the effectiveness of training EMTs to carry and administer epinephrine to persons under the age of 30. DOH is allowed to establish a volunteer advisory committee to assist with the development and review of the pilot program. **Senate 2<sup>nd</sup> Reading.**

**SB 5114: Hospital Annual Inspections**

Provides an exemption from annual inspections for hospitals accredited by the American Osteopathic Association similar to that offered to hospitals accredited by the Joint Committee on Accreditation of Health Organizations. **House Passed 3<sup>rd</sup>.**

**SB 5262: Sleep Monitoring**

Declares the scope of practice for respiratory care practitioners does not prohibit any person from performing sleep monitoring tasks under the supervision or direction of a licensed health care provider. **House 2<sup>nd</sup> Reading.**



**SSB 5312: Health Care Workplace Violations**

Requires that by July 1, 2000, each health care setting shall develop and implement a plan to reasonably prevent and protect employees from violence. Requires that by July 1, 2001, and on a regular basis thereafter, each health care setting shall provide violence prevention training to all its employees. **House Rules.**

**E SSB 5599: Temporary Worker Housing**

Requires DOH to adopt joint rules for the licensing, operation, inspection, and enforcement of temporary worker housing. These rules must establish worker protection standards that are as effective but do not exceed the standards developed under WISHA. Decisions whether to extend a licensee's permit must be coordinated at the state and local level. **House Rules.**

**SB 5648: Lodging Businesses**

Provides consistency in definitions regarding businesses furnishing lodging; defines a hotel as a facility that furnishes three or more rooms for guest accommodation. **House 2<sup>nd</sup> Reading.**

**SSB 5669: Conversion Vending/Medical Units**

Requires specific rules for the occupants of conversion vending units and medical units to protect the occupants from fire and other dangers. **Senate President Signed.**

**SB 5702: Physician's Assistants**

Revises physician assistant licensing and practice requirements. **House 2<sup>nd</sup> Reading.**

## Regulatory Reform

**E 2SHB 1893: Permit Issuance**

Finds that environmental permit issuance can be streamlined by requiring local jurisdictions to coordinate their permit processes with those of the state government. **Senate 2<sup>nd</sup> Reading.**

## State Government

**SHB 1990: State Employee Background Check**

Provides for criminal history background checks for potential state employees and contractors with potential unsupervised involvement with children or individuals with physical disabilities. **Senate Rules.**

**SSB 5066: Legislative Reporting Requirements**

Establishes a procedure in which a state agency that has a legislatively mandated requirement to report to the Legislature or legislative committees regarding a specific matter may be required to appear before the joint administrative rules review committee to explain a failure to report or submission of a report that is not responsive. **House Rules.**

**SB 5915: State Agency Reports**

Various statutes are amended or repealed to eliminate reports to the Legislature that are no longer wanted or considered necessary. **House 2<sup>nd</sup> Reading.**

## Tobacco

**HJM 4003: Tobacco Settlement**

Requests amending the federal Medicaid statute to prohibit federal recoupment of state tobacco settlement recoveries. **Filed with Secretary of State.**

**E SB 5485: Tobacco Product Manufacturers**

Places the financial burdens imposed by cigarette smoking on tobacco manufacturers rather than the state. Creates a reserve account for tobacco manufacturers not participating in the master tobacco settlement agreement. **House Rules.**

**E SB 5897 a: Export Cigarette Sales**

Requires that purchasers of cigarettes be informed of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States. **House Passed 3<sup>rd</sup>.**

## Welfare Reform

**HB 2226 a: TANF Eligibility for Children**

Eliminates eligibility standards retained from the Aid to Dependent Children Program under the TANF program. **Senate Passed 3<sup>rd</sup>.**



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